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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13  
14 UNITED STATES OF AMERICA ) CASE NO. CR 12-0625 WHA  
15 v. )  
16 JAIME BALAM, ) STIPULATION AND [PROPOSED] ORDER  
a/k/a "Tweety," ) EXCLUDING TIME FROM OTHERWISE  
17 Defendant. ) APPLICABLE SPEEDY TRIAL ACT  
18 ) COMPUTATION  
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STIPULATION

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

The period from April 14, 2015 through and including May 5, 2015 may be excluded from the otherwise applicable Speedy Trial Act computation because failure to grant the continuance as requested would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). Specifically, the defense requests the continuance, and the parties stipulate to its appropriateness, for the following reasons. The defendant is charged in a pending ten-count indictment, which includes, among others, significant racketeering-related conspiracy and murder charges. The defendant made his initial

1 appearance in this District on February 23, 2015, following a lengthy extradition process in Mexico. As  
2 noted in the parties' previous stipulation to a Speedy Trial Act continuance, the defendant is alleged to  
3 have been a member of a San Francisco-based clique of the transnational gang, *La Mara Salvatrucha*  
4 (MS-13) and is charged with offenses similar to those which resulted in multiple trials in *United States*  
5 *v. Ivan Cerna, et al.*, CR 08-0730 WHA, involving tens of thousands of pages of discovery. Defense  
6 counsel has begun reviewing that discovery as well as transcripts of the trial in *United States v. Danilo*  
7 *Velasquez and Luis Herrera*, CR 08-0730 WHA, and has just received further discovery bearing  
8 specifically on the defendant, pursuant to a stipulated protective order. At the April 14, 2015 hearing in  
9 this case, defense counsel informed the Court that, because of the volume of discovery to review and  
10 because of his trial schedule, he does not believe that he can be prepared for trial until 2017, whereupon  
11 the Court set a trial date of April 10, 2017 for this case. On the meantime, the Court ordered, it will  
12 issue a proposed pretrial order setting disclosure and motion deadlines. The Court ordered the parties to  
13 review this proposed pretrial order and be prepared to discuss it at the next hearing of this case, on May  
14 5, 2015 at 2:00 p.m. The parties agreed to a Speedy Trial Act exclusion, for effective preparation of  
15 defense counsel, from April 14, 2015 through and including May 5, 2015.

16 The parties therefore agree that the Court may enter the proposed Order set forth below.  
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18 DATED: April 22, 2015

Respectfully submitted,

19 MELINDA HAAG  
20 United States Attorney

21 /S/

22 ANDREW M. SCOBLE  
23 Assistant United States Attorney

24 /S/

25 DATED: April 22, 2015

26 RICHARD L. TAMOR  
27 Attorney for Defendant Jaime Balam

1                   **[PROPOSED] ORDER**

2       Based upon the above Stipulation, and upon the representations of the parties at the April 14,  
3 2015 status hearing in this case, THE COURT FINDS THAT the ends of justice served by granting a  
4 continuance from April 14, 2015 through and including May 5, 2015 outweigh the best interest of the  
5 public and the defendant in a speedy trial; that failure to grant such a continuance would unreasonably  
6 deny the defendant the reasonable time necessary for effective preparation, taking into account the  
7 exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

8       Accordingly, THE COURT ORDERS THAT:

9       The period from April 14, 2015 through and including May 5, 2015 is excluded from the  
10 otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

11      IT IS SO ORDERED.

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14 DATED: April 27, 2015.

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16                   WILLIAM H. ALSUP  
17                   United States District Judge